UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

eBay Inc.,

Plaintiff(s),

v.

Digital Point Solutions, Inc., et al.

Defendant(s).
_______________________________/

CASE NO. C 08 04052 JF

STIPULATION AND [PROPOSED] ORDER SELECTING ADR PROCESS

Counsel report that they have met and conferred regarding ADR and have reached the following stipulation pursuant to Civil L.R. 16-8 and ADR L.R. 3-5:

The parties agree to participate in the following ADR process:

Court Processes:
- Non-binding Arbitration (ADR L.R. 4)
- Early Neutral Evaluation (ENE) (ADR L.R. 5)
- Mediation (ADR L.R. 6)

(Note: Parties who believe that an early settlement conference with a Magistrate Judge is appreciably more likely to meet their needs than any other form of ADR, must participate in an ADR phone conference and may not file this form. They must instead file a Notice of Need for ADR Phone Conference. See Civil Local Rule 16-8 and ADR L.R. 3-5)

Private Process:

✓ Private ADR (*please identify process and provider*) Private mediation through a provider to be later determined by the parties.

The parties agree to hold the ADR session by:
- the presumptive deadline *(The deadline is 90 days from the date of the order referring the case to an ADR process unless otherwise ordered.)*

✓ other requested deadline Within 30 days after the close of expert discovery.

Dated: 12/23/08

[signature]
Attorney for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Dated: 12/23/08

RUS, MILIBAND & SMITH, APC

Leo J. Presiado
Attorneys for Defendants
Thunderwood Holdings, Inc.,
Brian Dunning and briandunning.com

Dated:___________

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Dated: 12/24/08

____
Attorney for Plaintiff

Dated: 12/24/08

Patrick Hein for Daniel Bernhard pursuant to written authorization
____
Daniel Bernhard, on behalf of Defendants Todd Dunning and Dunning Enterprises, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Dated: 12/24/08

____
Attorney for Plaintiff

Dated: 12/24/08

Patrick Hein for Patrick K. McClellan pursuant to written authorization
____
Patrick K. McClellan, on behalf of Defendant Kessler's Flying Circus

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Dated: 12/23/08

____
Attorney for Plaintiff

Dated: 12/24/2008

s/Seyamack Kouretchian
Attorney for Defendant

[PROPOSED] ORDER

Pursuant to the Stipulation above, the captioned matter is hereby referred to:

Non-binding Arbitration
Early Neutral Evaluation (ENE)
Mediation
✓ Private ADR

Deadline for ADR session

90 days from the date of this order.
✓ other As stipulated above.

IT IS SO ORDERED.

Dated:________________

____

UNITED STATES DISTRICT JUDGE